From: Stephen Best
To: Eligio Lara
Subject: FW: SMPD Flock compliance with AG Bulletin 2023-DLE-06
Date: Thursday, November 30, 2023 2:15:56 PM

This was the email I sent to Balcorta….and one more to follow.

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From: Stephen Best <sbest@cityofsantamaria.org>
Sent: Tuesday, November 28, 2023 3:16 PM
To: Michael Balcorta <mbalcorta@cityofsantamaria.org>
Cc: Stephen Best <sbest@cityofsantamaria.org>
Subject: SMPD Flock compliance with AG Bulletin 2023-DLE-06

After reading the Attorney General's Bulletin 2023-DLE-06 dated 10-27-23 "California Automated License Plate Reader Data Guidance" and the referenced material and the "Response to Information Bulletin" from Jones Mayer Law, I reviewed our Policy and procedures and made not of the following:

There are no provisions in policy or Senate Bill 34 (Civil code 1798.90.5) for sharing LPR data with federal agencies. The recent Guidelines includes out of state agencies. **We should get clear direction on this**.

SB 34 says agencies "shall not sell , share or transfer ALPR info…." And the February 2020 "Automated License Plate Readers" report 2019-118 from the Auditor of the State of California specifically mentions how the failure to include the wording "sell" increased the risk that staff would use ALPR data inappropriately. **We should have Lexipol update the wording**.

SB 34 states ALPR policy must be "conspicuously posted" on the "end users" web site. Using even the most broad interpretation of "conspicuously posted" neither the City's site nor the Police

Department's site makes it easy to find. Searches for "License Plate Readers", "ALPR" and "LPR" all return no information. You have to know to go to "Policies and Procedures", "Policy Manual" then search for "Automated License Plate Readers".
The AG guidelines specifically mentions this:
"Inclusion of such a policy in a manual, without noting on the main web page of their agency the existence of and/or link to such a policy, may not satisfy SB 34's requirement that such policies be "posted conspicuously on that Internet Web site." (Civ. Code, §§ 1798.90.51, subs. (b)(1), 1798,90.53, subd. (b)(1).)" **We should have the city make a more "conspicuous" link.**

The report 2019-118 from the Auditor of the State of California mentions the US Supreme Court has not directly decided a case on ALPR but the report states privacy implications exist when tracking individuals' movements over time (Page 14). **We should review hot list expiration periods.**

The guidelines mentions CJIS compliance for web storage. **I found some data from flock on this**. It's in the folder: City Of Santa Maria\Police Department - Documents\IT Systems Administration\Flock LPR\Documentation\Attorney Generals Memo Re sharing\Reference Documents and other

Civil code 1798.90.51 lists Policy minimums. **I ran out of time and have not compared list to our policy**

AG Bulletin recommends maintaining records of access to data including: date/time accessed, plate number or description searched, user name/agency searching and purpose. **I ran out of time and have not checked Flocks Organization Audit and Network Audit to see if they meet this requirement**

Let me know what you think

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